

(Original Signature of Member)

108TH CONGRESS
2D SESSION

H. R. 3940

To amend the Solid Waste Disposal Act to provide for secondary containment to prevent MTBE and petroleum contamination.

IN THE HOUSE OF REPRESENTATIVES

Mr. DINGELL introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Solid Waste Disposal Act to provide for secondary containment to prevent MTBE and petroleum contamination.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SECONDARY CONTAINMENT.**

4 (a) **IN GENERAL.**—Section 9003 of the Solid Waste
5 Disposal Act (42 U.S.C. 6991b) is amended by adding the
6 following new subsection at the end:



1 “(i) SECONDARY CONTAINMENT.—

2 “(1) IN GENERAL.—Any new underground stor-
3 age tank system installed after the effective date of
4 this subsection, or any existing underground storage
5 tank system that is replaced after the effective date
6 of this subsection, shall be **secondarily contained and**
7 **space between the primary and secondary contain-**
8 **ment shall be monitored for leaks if the new or re-**
9 **placed underground storage tank or piping is within**
10 1,000 feet of any existing community water system
11 or any existing potable drinking water well or other
12 sensitive area as determined by the agency imple-
13 menting the program in each State.

14 “(2) LIMITATIONS.—(A) In the case of the re-
15 placement of an existing underground storage tank
16 that is connected to other underground storage
17 tanks by piping, paragraph (1) shall apply only to
18 the underground storage tank being replaced and
19 not to such other underground storage tanks.

20 “(B) In the case of the replacement of existing
21 underground pipes connected to an underground
22 storage tank, paragraph (1) shall apply only to the
23 underground pipes and not to the underground stor-
24 age tanks to which the pipes are connected.



1 “(3) EFFECTIVE DATE.—This subsection shall
2 take effect 18 months after the date of enactment
3 of this subsection.

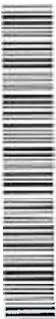
4 “(4) DEFINITIONS.—As used in this subsection:

5 “(A) The term ‘secondarily contained’
6 means a release detection and prevention sys-
7 tem that meets the requirements of 40 Code of
8 Federal Regulations section 280.43(g) and in-
9 cludes double-walled tanks and piping systems,
10 dispenser liners, piping sumps, or single-walled
11 tanks or piping systems that are contained
12 within a liner or an impervious barrier area as
13 set forth in 40 Code of Federal Regulations
14 part 280.

15 “(B) The term ‘underground storage tank’
16 has the meaning given to this term under sec-
17 tion 9001, except as limited with respect to
18 tank combinations and underground pipes
19 under paragraph (2) of this subsection.

20 “(5) PROMULGATION OF REGULATIONS OR
21 GUIDELINES. The Administrator may issue regula-
22 tions or guidelines implementing the requirements of
23 paragraph (1).

24 “(6) NO EFFECT ON STATE AUTHORITY.
25 Nothing in this subsection affects the authority of a



1 State to establish or enforce any regulation, require-
2 ment, or standard of performance relating to sec-
3 ondary containment of underground storage tank
4 systems that are more stringent than the require-
5 ments established under this subsection.”.

6 (b) PENALTIES.—Section 9006(d)(2) of such Act (42
7 U.S.C. 6991e(d)(2)) is amended-

8 (1) by striking “or” at the end of subparagraph
9 (B);

10 (2) by inserting “; or” at the end of subpara-
11 graph (C); and

12 (3) by adding the following new subparagraph
13 after subparagraph (C):

14 “(D) the secondary containment requirements
15 established in section 9003(i),”.

